

No. 114

AN ACT

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further providing for the disposal of surplus materials salvaged from State bridges and structures.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

The Administrative Code of 1929.

Section 1. Clause (f) of section 2003, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," amended September 25, 1961 (P. L. 1642), is amended to read:

Clause (f), section 2003, act of April 9, 1929, P. L. 177, amended September 25, 1961, P. L. 1642, further amended.

Section 2003. Machinery, Equipment, Lands and Buildings.—The Department of Highways shall have the power, and its duty shall be:

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(f) To rent State-owned road building equipment to political subdivisions of the Commonwealth or to any agency, bureau or department of the Federal Government, upon such terms as shall be established by the rules and regulations of the Department, with the approval of the Governor: Providing, however, That State-owned road building equipment shall not be rented to political subdivisions of the Commonwealth for periods exceeding three months, and to sell at cost to any agency, bureau or department of the Federal Government, any road or bridge building material for which the department may have no immediate need. Where the Department of Highways cannot utilize or salvage any bridge or structure that is scheduled for demolition or dismantling, then the Department of Highways shall declare the same surplus and [request] *turn the same over* to the Department of Property and Supplies to dispose of such surplus material. In disposing of such material,

the Department of Property and Supplies shall [give], *on behalf of the Commonwealth of Pennsylvania, sell same at public sale to the highest responsible bidder but only after giving first preference and priority to boards of township supervisors, boards of township commissioners, councils of boroughs and cities, and boards of county commissioners in the county within which the State highway or bridge is located [or] to purchase said surplus at a scrap value and cost of removal, and second priority to similar boards, councils and municipalities of Pennsylvania in adjacent counties at scrap value and cost for removal.*

The board, council or municipality so purchasing said scrap material shall be required to dismantle and remove scrap within the time period stipulated by the Department of Property and Supplies.

If more than one board, council or municipality having the same degree of priority as is herein provided shall request or offer to purchase said surplus material, the decision as to which board, council or municipality shall receive preference shall be made or determined by the Department of Highways and Property and Supplies according to need.

In case such necessary dismantling and removal from said site is not complied with within a stipulated time limit, then the Department of Highways shall have the right to dismantle such bridge or structure and dispose of said material, bridge or structure as per policies agreed to between the Departments of Highways and Property and Supplies.

In the event that the board, council or municipality to whom such surplus was sold shall fail to remove and dismantle the structure within the time period so provided, such sale shall be voided, and the Department of Property and Supplies shall then be free to subject such surplus to sale anew in accordance with the provisions of this clause (f). In the event of such contingency, all purchase moneys paid over to the Commonwealth by the defaulting board, council or municipality shall be refunded by the Commonwealth.

All bridges or structures turned over to boards of township supervisors, boards of township commissioners, council of boroughs, towns or cities or boards of county commissioners shall be used solely for construction, reconstruction, maintenance and repair of highway, street or road facilities in such political subdivisions.

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APPROVED—The 3d day of July, A. D. 1963.

WILLIAM W. SCRANTON